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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 PHILLIP JONES,) CASE NO. ED CV 15-2494-VAP (PJW)
11)
12) Petitioner,)
13) v.) ORDER DISMISSING SECOND AND
14) MR. FIGUEROA, WARDEN,) SUCCESSIVE HABEAS CORPUS PETITION
15) Respondents.)
16)

17 Before the Court is Petitioner's third attempt to challenge his
18 1999 state conviction and sentence for bank robbery and false
19 imprisonment with use of a firearm. In 2003, he filed a habeas corpus
20 petition, which was denied because it was untimely. (*Jones v. Pliler*,
21 ED CV 03-1540-RGK (MAN), September 2, 2004 Order Adopting Report and
22 Recommendation of United States Magistrate Judge.) This constituted a
23 decision on the merits. See *McNabb v. Yates*, 576 F.3d 1028, 1029-30
24 (9th Cir. 2009). Petitioner attempted to appeal the dismissal, but
25 his request for a certificate of appealability was denied by this
26 Court and the Ninth Circuit Court of Appeals.

27 In March 2011, he filed a new habeas petition, which was
28 dismissed as an unauthorized second or successive petition. (*Jones v.*

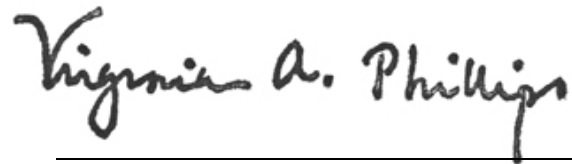
1 *McDonald*, ED CV 11-477-VAP (MAN), March 31, 2011 Order.) Petitioner
2 did not appeal that decision.

3 The current Petition is also subject to dismissal as being second
4 and successive. See 28 U.S.C. § 2244. Absent an order from the
5 appellate court, this Court does not have jurisdiction to entertain a
6 second or successive petition. See 28 U.S.C. § 2244(b)(3)(A); *Burton*
7 *v. Stewart*, 549 U.S. 147, 157 (2007). For this reason, the Petition
8 is dismissed.

9 Further, the Court finds that, because Petitioner has not made a
10 substantial showing of the denial of a constitutional right or that
11 the court erred in its procedural ruling, he is not entitled to a
12 certificate of appealability. See 28 U.S.C. § 2253(c)(2); Fed. R.
13 App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack*
14 *v. McDaniel*, 529 U.S. 473, 484 (2000).

15 IT IS SO ORDERED.

16 DATED: December 15, 2015.

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19 VIRGINIA A. PHILLIPS
20 UNITED STATES DISTRICT JUDGE
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23 Presented by:

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25 PATRICK J. WALSH
26 UNITED STATES MAGISTRATE JUDGE
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